

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michael Little v Gerald Lorence**
Docket No. **294669**
L.C. No. **09-012514-NM**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

On the Court's own motion, the order entered January 26, 2010 is VACATED because that order failed to recognize that this civil appeal by a prisoner is subject to MCL 600.2963. Within 21 days of the certification of this order, appellant shall, in order to proceed with this appeal, pay to the Clerk of the Court the **\$20** remainder of the requisite initial partial filing fee of \$51, and shall submit a copy of this order with the payment. If appellant timely pays the partial fee, appellant may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or appellant pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court. If appellant timely pays the \$20 remainder of the initial partial filing fee, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of **\$324**. This amount shall then be remitted to this Court. The Clerk of this Court shall furnish two copies of this order to appellant.

If appellant does not pay the \$20 as required by this order, the Clerk's Office shall arrange for the \$30.63 he previously paid to be refunded to him and this Court shall treat the present appeal as if it had never been filed in order to substantially comply with MCL 600.2963(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 04 2010

Date

Sandra Schultz Mengel

Chief Clerk